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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Report of the Secretary-General

1. The General Assembly, by its resolution 39/46 of 10 December 1984, adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and called upon all Governments to consider signing and ratifying the Convention as a matter of priority.

2. The Convention was opened for signature in New York on 4 February 1985. In accordance with article 27 thereof, the Convention entered into force on 26 June 1987, on the thirtieth day after the date of the deposit with the Secretary-General of the twentieth instrument of ratification or accession.

3. By its resolution 45/142 of 14 December 1990, the General Assembly welcomed the report of the Committee against Torture; 1/ took note of the report of the Secretary-General on the status of the Convention (A/45/405); stressed the importance of strict adherence by States parties to the obligations under the Convention regarding the financing of the Committee to enable it to carry out in an effective and efficient manner all the functions entrusted to it under the Convention so as to ensure the long-term viability of the Committee as an essential mechanism for overseeing the effective implementation of the provisions of the Convention; welcomed the attention that the Committee had given to the development of an effective reporting

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* A/46/150.

system on implementation by States parties to the Convention, and especially its revision of its general guidelines for the submission of initial reports by States parties; welcomed also the continuing close contacts and exchange of information, reports and documents between the Committee against Torture and the Special Rapporteur of the Commission on Human Rights on questions relating to torture; requested the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee; reiterated its request to all States to become parties to the Convention as a matter of priority; once again invited all States, upon ratification of or accession to the Convention, or subsequently, to consider the possibility of making the declaration provided for in articles 21 and 22 of the Convention; requested the Secretary-General to submit to the Commission on Human Rights at its forty-seventh session and to the General Assembly at its forty-sixth session a report on the status of the Convention; and decided to consider the report of the Secretary-General at its forty-sixth session.

4. By its resolution 1991/35 of 5 March 1991, the Commission on Human Rights stressed the importance of strict adherence by States parties to the obligations under the Convention regarding the financing of the Committee; urged all States to become parties to the Convention as a matter of priority; invited all States ratifying or acceding to the Convention and those States parties which had not yet done so to consider the possibility of making the declaration provided for in articles 21 and 22 of the Convention; and requested the Secretary-General to continue submitting to the General Assembly and to the Commission annual reports on the status of the Convention.

5. As at 1 August 1991, the Convention had been ratified or acceded to by 58 States. In addition, 17 States had signed the Convention. The list of States that have signed, ratified or acceded to the Convention, as well as the dates of their signature, ratification or accession, is contained in the annex to the present report.

6. As at the same date, 25 of the States parties to the Convention, namely Algeria, Argentina, Austria, Canada, Denmark, Ecuador, Finland, France, Greece, Hungary, Italy, Leichtenstein, Luxembourg, Malta, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, Togo, Tunisia, Turkey and Uruguay, had made the declarations provided for in articles 21 and 22 of the Convention. In addition, one State party, namely the United Kingdom of Great Britain and Northern Ireland, had made the declaration provided for in article 21 only, thus bringing the total of declarations under that article to 26. Under article 21, a State party to the Convention may declare at any time that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Convention. Under article 22, a State party to the Convention may declare at any time that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State party of the provisions of the Convention.

7. The provisions of articles 21 and 22 entered into force on 26 June 1987 in accordance with paragraph 2 of article 21 and paragraph 8 of article 22.

8. The third meeting of the States parties to the Convention will be convened by the Secretary-General at the United Nations Office at Geneva on 26 November 1991 to elect five members of the Committee against Torture to replace those whose terms of office are due to expire on 31 December 1989 and to decide on questions relating to States parties' financial obligations under the Convention.

9. The Committee against Torture held its fifth and sixth sessions at the United Nations Office at Geneva from 12 to 23 November 1990 and from 22 April to 3 May 1991, respectively. In accordance with article 24 of the Convention, the Committee has submitted its annual report, 2/ which covers the activities of the Committee at its fifth and sixth sessions, to the States parties and to the General Assembly at its forty-sixth session.

Notes

1/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 44 (A/45/44 and Corr.1).

2/ Ibid., Forty-sixth Session, Supplement No. 46 (A/46/46).

ANNEX

List of States which have signed, ratified or acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as at 1 August 1991

State	Date of signature	Date of receipt of the instrument of ratification or accession
Afghanistan	4 February 1985	1 April 1987
Algeria a/	26 November 1985	12 September 1989
Argentina a/	4 February 1985	24 September 1986
Australia	10 December 1985	8 August 1989
Austria a/	14 March 1985	29 July 1987
Belgium	4 February 1985	
Belize		17 March 1986 b/
Bolivia	4 February 1985	
Brazil	23 September 1985	28 September 1989
Bulgaria	10 June 1986	16 December 1986
Byelorussian Soviet Socialist Republic	19 December 1985	13 March 1987
Cameroon		19 December 1986 b/
Canada a/	23 August 1985	24 June 1987
Chile	23 September 1987	30 September 1988
China	12 December 1986	4 October 1988
Colombia	10 April 1985	8 December 1987
Costa Rica	4 February 1985	
Cuba	27 January 1986	
Cyprus	9 October 1985	18 July 1991
Czechoslovakia	8 September 1986	7 July 1988
Denmark a/	4 February 1985	27 May 1987
Dominican Republic	4 February 1985	
Ecuador a/	4 February 1985	30 March 1988
Egypt		25 June 1986 b/
Finland a/	4 February 1985	30 August 1989

State	Date of signature	Date of receipt of the instrument of ratification or accession
France a/	4 February 1985	18 February 1986
Gabon	21 January 1986	
Gambia	23 October 1985	
Germany*	13 October 1986	1 October 1990
Greece a/	4 February 1985	6 October 1988
Guatemala		5 January 1990 b/
Guinea	30 May 1986	10 October 1989
Guyana	25 January 1988	19 May 1988
Hungary a/	28 November 1986	15 April 1987
Iceland	4 February 1985	
Indonesia	23 October 1985	
Israel	22 October 1986	
Italy a/	4 February 1985	12 January 1989
Libyan Arab Jamahiriya		16 May 1989 b/
Liechtenstein	27 June 1985	2 November 1990
Luxembourg a/	22 February 1985	29 September 1987
Malta		13 September 1990 b/
Mexico	18 March 1985	23 January 1986
Morocco	8 January 1986	
Nepal		14 May 1991 b/
Netherlands a/	4 February 1985	21 December 1988
New Zealand a/	14 January 1986	10 December 1989

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* Through the accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States have united to form one sovereign State. As from the date of unification, the Federal Republic of Germany will act in the United Nations under the designation of "Germany". The former German Democratic Republic signed and ratified the Convention on 7 April 1986 and 9 September 1987, respectively.

State	Date of signature	Date of receipt of the instrument of ratification or accession
Nicaragua	15 April 1985	
Nigeria	28 July 1988	
Norway a/	4 February 1985	9 July 1986
Panama	22 February 1985	24 August 1987
Paraguay	23 October 1989	12 March 1990
Peru	29 May 1985	7 July 1988
Philippines		18 June 1986 b/
Poland	13 January 1986	26 July 1989
Portugal a/	4 February 1985	9 February 1989
Romania		18 December 1990 b/
Senegal	4 February 1985	21 August 1986
Sierra Leone	18 March 1985	
Somalia		24 January 1990 b/
Spain a/	4 February 1985	21 October 1987
Sudan	4 June 1986	
Sweden a/	4 February 1985	8 January 1986
Switzerland a/	4 February 1985	2 December 1986
Togo a/	25 March 1987	18 November 1987
Tunisia a/	26 August 1987	23 September 1988
Turkey a/	25 January 1988	2 August 1988
Uganda		3 November 1986 b/
Ukrainian Soviet Socialist Republic	27 February 1986	24 February 1987
Union of Soviet Socialist Republics	10 December 1985	3 March 1987
United Kingdom of Great Britain and Northern Ireland c/	15 March 1985	8 December 1988
United States of America	18 April 1988	
Uruguay a/	4 February 1985	24 October 1986

State	Date of signature	Date of receipt of the instrument of ratification or accession
Venezuela	15 February 1985	29 July 1991
Yugoslavia	18 April 1989	

a/ Made the declarations under articles 21 and 22 of the Convention.

b/ Accession.

c/ Made the declaration under article 21 of the Convention.